

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2722 - SB 2762

March 22, 2022

SUMMARY OF BILL: Deletes from the definition of the offense of first-degree murder the killing of another in the perpetration of or attempt to perpetrate any first-degree murder, arson, rape, robbery, burglary, theft, kidnapping, aggravated abuse of an elderly or vulnerable adult, aggravated neglect of an elderly or vulnerable adult, aggravated child abuse, aggravated child neglect, rape of a child, aggravated rape of a child, or aircraft piracy.

Deletes criminal responsibility for conduct of another and criminal responsibility for the facilitation of the commission of a felony offense

FISCAL IMPACT:

**Decrease State Expenditures – \$2,629,400/FY22-23 Incarceration
\$4,553,000/FY23-24 Incarceration**

Other Fiscal Impact – Decreases in incarceration expenditures will continue through FY31-32. Exact amounts of annual decreases over the next 10 years are included below.

Assumptions:

- Passage of the proposed legislation will make the offense of criminal responsibility for conduct of another and criminal responsibility for the facilitation of the commission of a felony no longer a crime.
- It is reasonably assumed that admissions for first degree murder will decrease by 10 percent as a result of removing the killing of another in the perpetration of or attempt to perpetrate outlined offenses. Further, it is assumed these offenders will be convicted of the Class D felony under Tenn. Code Ann. § 39-13-215 of reckless homicide.
- Utilizing information provided by the Department of Correction, the fiscal impact related to the proposed legislation has been determined using numerous and complex calculations. These calculations have been omitted from this fiscal note for the purpose of brevity. However, the calculations used for determining the following fiscal impact are on file with Fiscal Review Committee staff and can be provided upon request.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.74 percent per year for each of the past 10 years (from 2010 to 2020).
- The weighted average operational costs per day are estimated to be \$51.36 for inmates housed at state facilities and \$48.77 for inmates housed at local facilities.

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- The estimated decrease in incarceration costs are estimated to be the following over the next ten-year period:

Decrease in State Expenditures	
Amount	Fiscal Year
\$ (2,629,400)	FY22-23
\$ (4,553,000)	FY23-24
\$ (5,614,200)	FY24-25
\$ (6,502,900)	FY25-26
\$ (7,349,200)	FY26-27
\$ (8,011,300)	FY27-28
\$ (8,441,800)	FY28-29
\$ (8,899,900)	FY29-30
\$ (9,354,900)	FY30-31
\$ (9,835,100)	FY31-32

- The estimated fiscal impact of the proposed legislation does not consider the availability of beds in state and local facilities, but is based solely on the current operating costs of state facilities and the reimbursement rates for local facilities as is required by Tenn. Code Ann. § 9-4-210.
- All calculations used in completion of this fiscal note are available upon request.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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